APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/480,344	01/10/2000	KEVIN MICHAEL RUPPELT	9D-EC-19337	4210

7590   01/16/2003

John S. Beulicck
Armstrong Teasdale LLP
Suite 2600
One Metropolitan Square
St. Louis, MO   63102

EXAMINER
CHANG, SABRINA A

ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 01/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.		Applicant(s)
Office Action Summary	09/480,344		RUPPELT ET AL.
	Examiner		Art Unit
	Sabrina Chang		3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 January 2000* .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 January 2000* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)   4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5) ☐ Notice of Informal Patent Application (PTO-152)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .   6) ☐ Other: .

DETAILED ACTION

Drawings

The drawings are objected to because of minor informalities. Figure 3, Element 304

should be clarified. The element is referred to as the "product matrix" in the specification, but

appears to be drawn to a specific article of text in the figure. A proposed drawing correction or

corrected drawings are required in reply to the Office action to avoid abandonment of the

application. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: Page 8, Line 33 –

Applicant refers to elements 312-316 of Figure 3. Examiner respectfully notes that elements 313

and 315 do not actually exist.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, 11, 14, 19, 25, and 26 are rejected under 35 U.S.C. 102(b) as being

anticipated by the article "Calico Technology: Concinity configuration/quotation system"

(Teresko, John et al. December 15, 1996. *Industry Week*).

Teresko discloses an Internet-based software package that guides a customer through a

vendor's product catalog (database). The software provides "click-by-click" feedback to help

the customer in their complex product configuration. It can "walk the customer through a series

of questions to configure the order" and narrow the list of potential purchases down to an

efficiently viewable list (presenting and answering a product configuration question). As

broadly read, this "interactive" searching method returns a list of appropriate/available products

that match each of the customer's responses to the questions (product matrix display of results).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 2, 3, 6, 9, 10, 13, 15-18, 22, 23, 27, and 28 are rejected under 35 U.S.C. 103(a) as

being unpatentable over the article "Calico Technology: Concinity configuration/quotation

system" (Teresko, John et al. December 15, 1996. *Industry Week*), as rejected in claims 1, 14,

19 and 25, in view of Official Notice regarding Website design, specifically e-commerce sites.

In specific reference to claims 2, 3, 15, 16, 27, and 28, Teresko does not explicitly

disclose that the responsive product matrix shows specific removal of an already selected

product configuration parameter from product matrix. Teresko also does not explicitly disclose

the insertion of an additional product configuration parameter to replace the eliminated, already

selected product configuration parameter. Examiner takes official notice that deletion and

insertion of elements in a webpage display is notoriously known e-commerce website design. It

would have been obvious to modify the display of Teresko to eliminate already searched parameters and include new searchable parameters, as taught by official notice, in order to make the presentation of information more streamlined.

In specific reference to claims 6, 9, 17, and 22, Teresko does not explicitly disclose that the model identifier is hyperlink to product or that the product parameter is a hyperlink to a product page containing parameter-associated information related to the model identifier. Examiner takes official notice that hyperlinks are notoriously known in the art of e-commerce website design as a means of retrieving more detailed information, i.e. leading to another page. Thus it would have been obvious to modify the system of Teresko to include hyperlinks to provide the customer with more detailed information regarding a product, as taught by official notice, without cluttering the main page.

In specific reference to claims 10 and 23, Teresko does not explicitly disclose that the responsive updating includes displaying the configuration answer outside the product matrix. Examiner takes official notice that returning search results (displaying configuration answers) outside of the main display – like in a navigation bar – is notoriously known in the art of e-commerce web design. It would have been obvious to modify the system of Teresko to include the listing of results returned from previous inquiries, as taught by Official Notice, in order to allow the customer to backtrack, if for example their product configuration were to lead to a dead end.

In reference to claims 13 and 18, Teresko does not explicitly disclose that the product configuration parameter is a consumer critical-to-quality parameter. Official notice is taken that using "critical-to-quality" parameters to search for products in electronic catalogs is well known

in the art of e-commerce website design. It would have been obvious to modify Teresko to only

use the most relevant search parameters, as taught by official notice, in order to limit the

inquiries of the customer to only the most important features thereby saving him/her time.

Claims 4, 24 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over the

article "Calico Technology: Concinity configuration/quotation system" (Teresko, John et al.

December 15, 1996. *Industry Week*), as rejected in claims 1 and 25, in view of the article "With

nine Shopping Days Till Christmas, ShopAround.com Helps Last Minute E-Shoppers Find the

Right gift for the Right Price" (December 14, 1999. Business Wire).

Teresko does not disclose side-by-side product comparison capabilities.

The article discloses that comparison-shopping capabilities are well known in the art of e-

commerce. It would have been obvious to modify the system of Teresko to include the ability

for side-by-side comparison of related products, as taught by "Nine days...", in order to enable

the customer to make a more educated purchase and evaluate all their options in a more efficient

manner.

Claims 7, 8, 12, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over

the article "Calico Technology: Concinity configuration/quotation system" (Teresko, John et al.

December 15, 1996. *Industry Week*), as rejected in claims 1, 14, 19, in view of Official Notice

regarding database design.

Teresko does not explicitly disclose:

- Displaying matrix comprises displaying column headings including model number, price and product configuration heading for parameters
- Determining a selected column heading based on external input and sorting matrix based on heading.
- Displaying product entries sorted by a selected column heading, for example brand name

Official notice is taken that sorting by a field and displaying the results by field is notoriously known in the art of database design. In that Teresko inherently comprises basic database functionality, it would have been obvious to modify the system to sort and display results by specific fields, as taught by official notice, in order to give the customer more flexibility in viewing their search results – i.e. if they have a particular preference for one product feature.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

"Casting their nets on the WWW" (Jones, Kevin. Nov. 1996. Electrical Apparatus) discloses the integration of "product selector" functional into internet-based industrial supplier catalogs. The article does not explicitly disclose a product matrix display.

"Creating Your Web Site" (Frieswick, Kris. Apr. 1997. Industrial Distribution) discloses that "product selectors" are well known in the art of e-commerce website design. The article does not disclose any specific capabilities of the "selector" function.

"More distributors set up shop on the WWW" (Gardner, Fred. 1997. Electronic Business Today) discloses general trends regarding e-commerce website design. The article does not explicitly disclose specifics on "product selector" capabilities.

"A services-Marketing perspective on e-retailing: implications for e-retailers and directions for further research" (Kolesar, Mark. 2000. Internet Research) discloses general trends regarding e-commerce website design. The article does not explicitly disclose specifics on "product selector" capabilities.

"Product search in e-shopping: a review and research propositions" (Rowley, Jennifer.

2000. The Journal of Consumer Marketing) discloses general trends regarding e-commerce

website design. The article does not explicitly disclose specifics on "product selector"

capabilities.

"Shopping bots: Intelligent shopper or virtual department store?" (Rowley, Jennifer.

2000. International Journal of Retail and Distribution Management) discloses general trends

regarding e-commerce website design. The article does not explicitly disclose specifics on

"product selector" capabilities. Any inquiry concerning this communication or earlier

communications from the examiner should be directed to Sabrina Chang whose telephone

number is 703 305 4879. The examiner can normally be reached on 8:30 am - 5:30 pm Mon.-

Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Wynn Coggins can be reached on 703 308 1344. The fax phone numbers for the

organization where this application or proceeding is assigned are 703 305 7687 for regular

communications and 703 305 7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703 308 1113.

SC
January 13, 2003

WYNN W. COGGINS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600